Dep't Ref Rm 307

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OIPE JC177 DEC 20 2004 PATENT & TRADEMARK OFFICE

PATENT
Customer No. 22,852
Attorney Docket No. 6530.0145-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jose L. FRANCESE et al.

Application No.: 09/977,401

Filed: October 16, 2001

For: SUCTION ADAPTER FOR MEDICAL INSTRUMENT

REFUND SECTION
ACCOUNTING DIVISION
OFFICE OF FINANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

In response to the final Office Action mailed by the U.S. Patent and Trademark Office (PTO) on May 5, 2004, Applicants filed a Request for Reconsideration on July 6, 2004. Thus, under the provisions of M.P.E.P. 706.07(f), the response, after taking into account that July 5, 2004 was a Federal Holiday, was filed within two months of the mailing date of the final Office Action.

An Advisory Action was mailed on September 8, 2004, after the three-month shortened statutory period. The shortened statutory period therefore expired on September 8, 2004, the mailing date of the Advisory Action. The extension of time necessary to file a subsequent response is thus calculated from September 8, 2004.

A Request for Continued Examination was filed on November 2, 2004 with a Petition for Extension of Time - Two Months and a check for $1,220.00 to cover the $790.00 RCE fee and $420.00 extension of time fee. A copy of the cancelled check is enclosed. As the Request for Continued Examination was filed within two months of

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September 8, 2004, a two month extension of time, along with the fee payment of $420.00, was all that was necessary.

On November 9, 2004, the undersigned's Deposit Account was debited an additional $550.00, presumably to cover the third month's additional extension fee. A copy of the Fee History Query for this application printed from the website of the PTO showing such a debit is attached. However, because such a third month's additional extension fee was not necessary, under the provisions of M.P.E.P. 706.07(f), for the reasons set forth above, the undersigned therefore requests that the amount of $550.00, that was debited on November 9, 2004, be refunded to our Deposit Account No. 06-0916 with the reference number "06530.0145-01."

If there are any questions regarding this Request, please contact the undersigned at (202) 408-4449.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 20, 2004

By: _____
Michael W. Kim
Reg. No. 51,880

FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, L.L.P.
1300 I Street, N.W.
Washington, D.C. 20005-3315

CRESTAR BANK N.A.
WASHINGTON, D.C. 20005

PTO
ACCOUNT

092566

15-52
540

CHECK NO.	DATE	AMOUNT
92566	11/02/04	*****1,220.00

PAY ONE THOUSAND TWO HUNDRED TWENTY AND 00/100 DOLLARS

TO THE ORDER OF COMMISSIONER OF PATENTS AND TRADEMARKS

VOID AFTER 180 DAYS

⑈00092566⑈ ⑆054000522⑆ 20674458 7⑈ ⑈00001220 00⑈

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12-10-0001
11-03-2004
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U.S. TREASURY

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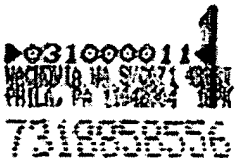
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RAM Fee History Query

Revenue Accounting and Management

Name/Number: 09977401 Total Records Found: 8

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Tran Type	Fee Code	Fee Amount Mailroom Date	Payment Method
10/17/2001	00000087	1	101	$740.00 10/16/2001	CK
10/17/2001	00000088	1	103	$36.00 10/16/2001	CK
04/09/2002	00000127	1	116	$400.00 04/08/2002	CK
04/09/2002	00000128	1	105	$130.00 04/08/2002	CK
01/30/2004	00000097	1	1806	$180.00 01/28/2004	CK
11/03/2004	00000029	1	1801	$790.00 11/02/2004	CK
11/03/2004	00000030	1	1252	$430.00 11/02/2004	CK
11/09/2004	00000001	1	1253	$550.00 11/02/2004	DA 060916

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PATENT
Customer No. 22,852
Attorney Docket No. 6530.0145-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Jose L. FRANCESE et al.	Group Art Unit: 3736
Application No.: 09/977,401	Examiner: Max F. Hindenburg
Filed: October 16, 2001	
For: SUCTION ADAPTER FOR MEDICAL INSTRUMENT	Confirmation No. 3026

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR EXTENSION OF TIME - TWO MONTHS

Applicants hereby petition for a two month extension of time to reply to the final Office Action of May 5, 2004. A Request for Reconsideration in response to that final Office Action was filed on July 6, 2004. Thus, under the provisions of M.P.E.P. 706.07(f), the response, after taking into account that July 5, 2004 was a Federal Holiday, was filed within two months of the mailing date of the final Office Action. The reply period therefore expired on September 8, 2004, the mailing date of the Advisory Action. Accordingly, the extension of time necessary to file this response is calculated from September 8, 2004. The fee of $430.00 is enclosed.

11/03/2004 EABUBAK1 00000022 09977401
02 FC:1252 430.00 OP

Adjustment date: 01/31/2005 SDIRETA1
11/09/2004 GWOOTEN 00000001 060916 09977401
01 FC:1253 550.00 CR